



January 15, 2016

HOUSE BILL No. 1201

DIGEST OF HB 1201 (Updated January 14, 2016 10:10 am - DI 77)

Citations Affected: IC 15-17; IC 15-20.

Synopsis: Companion animal sterilization. Authorizes the board of animal health to establish a registry of animal care facilities. Requires that beginning July 1, 2021, a dog or a cat in an animal care facility must be spayed or neutered before adoption from the facility. Defines "animal care facility" as an animal control center, an animal shelter, a humane society, or another animal impounding facility that has as its purpose the humane treatment of animals and that has dogs or cats that are available for adoption, including governmental and private entities and animal rescues. Exempts certain cats and dogs from the spay or neuter requirement.

Effective: July 1, 2016.

**Karickhoff, Lawson L, Truitt,
Wright**

January 7, 2016, read first time and referred to Committee on Agriculture and Rural Development.
January 14, 2016, reported — Do Pass.

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January 15, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1201

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-17-3-13, AS AMENDED BY P.L.50-2010,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 13. In addition to the powers and duties given the
4 board in this article and by law, the board has the powers and duties
5 reasonable and necessary to do the following:

6 (1) Provide for the quarantine of animals and objects to prevent,
7 control, and eradicate diseases and pests of animals.

8 (2) Develop, adopt, and implement programs and procedures for
9 establishing and maintaining accredited, certified, validated, or
10 designated disease or pest free or disease or pest monitored
11 animals, herds, flocks, or areas, including the following:

12 (A) The establishment and maintenance of herds that are
13 monitored for disease or pest syndromes.

14 (B) The establishment and maintenance of certified or
15 validated brucellosis free herds, animals, and areas.

16 (C) The establishment and maintenance of accredited
17 tuberculosis free herds, animals, and areas.

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(3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.

(4) Control or prohibit, by permit or other means, the movement and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions, the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.

(5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.

(6) Control the use, sanitation, and disinfection of:

(A) public stockyards; and

(B) vehicles used to transport animals and objects into and within Indiana;

to accomplish the objectives of this article.

(7) Control the use, sanitation, and disinfection of premises, facilities, and equipment to accomplish the objectives of this article.

(8) Control the movement of animals and objects to, from, and within premises where diseases or pests of animals may exist.

(9) Control the movement and disposal of carcasses of animals and objects.

(10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, detection, control, and eradication of disease and pests of animals.

(11) Control and prescribe the means, methods, and procedures for the vaccination or other treatment of animals and objects and the conduct of tests for diseases and pests of animals.

(12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:

(A) of animals or objects that have been condemned under this article; and

(B) related to classification as to disease, testing, vaccination,



- 1 or treatment status.
- 2 (13) Establish the terms and method of appraisal or other
- 3 determination of value of animals and objects condemned under
- 4 this article, the payment of any indemnities that may be provided
- 5 for the animals and objects, and the regulation of the sale or other
- 6 disposition of the animals or objects.
- 7 (14) Control the sale of baby chicks.
- 8 (15) Cooperate and enter into agreements with the appropriate
- 9 departments and agencies of this state, any other state, or the
- 10 federal government to prevent, detect, control, and eradicate
- 11 diseases and pests of animals.
- 12 (16) Control or prohibit the movement and transportation into, out
- 13 of, or within Indiana of wild animals, including birds, that might
- 14 carry or disseminate diseases or pests of animals.
- 15 (17) Provide for condemning or abating conditions that cause,
- 16 aggravate, spread, or harbor diseases or pests of animals.
- 17 (18) Establish and designate, in addition to the animal disease
- 18 diagnostic laboratory under IC 21-46-3-1, other laboratories
- 19 necessary to make tests of any nature for diseases and pests of
- 20 animals.
- 21 (19) Investigate, develop, and implement the best methods for the
- 22 prevention, detection, control, suppression, or eradication of
- 23 diseases and pests of animals.
- 24 (20) Investigate, gather, and compile information concerning the
- 25 organization, business conduct, practices, and management of any
- 26 registrant, licensee, permittee, applicant for a license, or applicant
- 27 for a permit.
- 28 (21) Investigate allegations of unregistered, unlicensed, and
- 29 unpermitted activities.
- 30 (22) Institute legal action in the name of the state of Indiana
- 31 necessary to enforce:
- 32 (A) the board's orders and rules; and
- 33 (B) this article.
- 34 (23) Control the collection, transportation, and cooking of garbage
- 35 to be fed to swine or other animals and all matters of sanitation
- 36 relating to the collection, transportation, and cooking of garbage
- 37 affecting the health of swine or other animals and affecting public
- 38 health and comfort.
- 39 (24) Adopt an appropriate seal.
- 40 (25) Issue orders as an aid to enforcement of the powers granted
- 41 by this article, IC 15-18-1, and IC 15-19-6.
- 42 (26) Control disposal plants and byproducts collection services



and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

(28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:

(A) animal health;

(B) the public health and welfare of the citizens of Indiana; and

(C) the trade in animals and animal products in and from Indiana.

(29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.

(30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(31) Assist organizations that represent livestock and poultry producers with issues and programs related to the care of livestock and poultry.

(32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana.

(33) Establish a registry of animal care facilities (as defined in IC 15-20-4-1).

SECTION 2. IC 15-20-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 4. Spay-Neuter Requirement for Animal Care Facilities

Sec. 1. As used in this chapter, "animal care facility" refers to an animal care facility (as defined in IC 6-9-39-1) that has companion animals that are available for adoption. The term includes the following:

(1) Governmental and private entities.

(2) Animal rescues.

Sec. 2. As used in this chapter, "companion animal" means a dog or a cat.

Sec. 3. Beginning July 1, 2021, except as provided in section 4 of this chapter, a companion animal shall be spayed or neutered



1 before adoption from an animal care facility.

2 Sec. 4. (a) A companion animal may be exempted from the
3 requirements of section 3 of this chapter if a veterinarian (as
4 defined in IC 15-17-2-102) determines, following an examination,
5 that the companion animal:

6 (1) has a permanent health condition that precludes safe
7 administration of a spay-neuter procedure;

8 (2) has a health condition that precludes safe administration
9 of a spay-neuter procedure, but:

10 (A) the veterinarian determines that the health condition
11 is not permanent and can be treated to allow for safe
12 administration of a spay-neuter procedure not more than
13 one hundred twenty (120) days after the date of the
14 examination; and

15 (B) a deposit of seventy-five dollars (\$75) is made to the
16 animal care facility before adoption; or

17 (3) is less than six (6) months of age on the date of the
18 examination and:

19 (A) the veterinarian determines that the companion animal
20 cannot be safely spayed or neutered due to the age of the
21 animal; and

22 (B) a deposit of seventy-five dollars (\$75) is made to the
23 animal care facility before adoption.

24 (b) In addition, a companion animal may be exempted from the
25 requirements of section 3 of this chapter if:

26 (1) the companion animal is less than six (6) months of age,
27 but is at an age as determined by the animal care facility in
28 consultation with a veterinarian (as defined in IC 15-17-2-102)
29 at which the companion animal can be safely spayed or
30 neutered; and

31 (2) a deposit of seventy-five dollars (\$75) is made to the
32 animal care facility before adoption.

33 Sec. 5. (a) A deposit made under section 4(a)(2)(B), 4(a)(3)(B),
34 or 4(b)(2) of this chapter shall be held by the animal care facility
35 in a separate account. The deposit shall be:

36 (1) returned to the depositor not later than one hundred
37 twenty (120) days after the date of receipt of the deposit by
38 the animal care facility if proof is given that a spay-neuter
39 procedure has been completed on the companion animal; or

40 (2) forfeited after one hundred twenty (120) days after the
41 date of receipt of the deposit by the animal care facility, if
42 proof is not given under subdivision (1).



1 (b) If a deposit is forfeited under subsection (a)(2), the animal
2 care facility holding the deposit shall remit the forfeited deposit
3 amount to the Spay-Neuter Services of Indiana within a reasonable
4 time.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1201 as introduced.)

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Committee Vote: Yeas 12, Nays 0.

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